IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8899 of 2004

Between:

Government of Andhra Pradesh represented by its Secretary to
Government, Agriculture & Co-operation Department, Secretariat, Hyderabad.

..... PETITIONER

AND

B. Dharma Reddy, Executive Engineer (Marketing),
Hyderabad (U/s)

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction more particularly one in the nature of "Writ of Certiorari" calling for the records connected with the order dated 20-11-2003 in O.A.No.5334/2003 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

For the Petitioner: GP FOR SERVICES-I

For the Respondent: MR.T.SURYA KARAN REDDY

The Court Made the Following:

ORAL ORDER: (PER HON'BLE SRI JUSTICE B.SESHASAYANA REDDY)

1. This Writ Petition is directed against the order dated 20.11.2003 passed in O.A. No. 5334 of 2003 on the file of A.P. Administrative Tribunal, Hyderabad whereby the application filed by the respondent herein has been allowed and suspension has been set aside.

2 . The respondent herein while working as Executive Engineer (Marketing) Telangana Region, Hyderabad was charge- sheeted for disproportionate assets to his known sources of income. After submitting charge sheet, the petitioner herein was placed under suspension on 10.07.2003. Questioning the suspension order, he filed O.A. No. 5334 of 2003 on the file of A.P. Administrative Tribunal. The learned Tribunal on considering the material on record, and on hearing both the parties recorded a finding that the suspension of the respondent herein after filing the charge sheet is unwarranted and accordingly set aside the same by an order dated 23.11.2003. Assailing the order, respondent therein has filed this Writ Petition.

3. The learned Government Pleader appearing for the petitioner contends that the suspension of the respondent herein is as per the Government instructions issued vide Memo No.596/Spl.B/2000-6, G.A.(Spl.B) Department, dated 10-6-2002 and therefore the learned Tribunal ought not to have interfered with the suspension order. The learned counsel for the respondent submits that the crime came to be registered in the year 1997 and whereas the writ petitioner herein has been placed the respondent under suspension on 10.7.2003 and there are no valid reasons to place the respondent under suspension.

4. It is no more in dispute that by the time the respondent was placed under suspension, investigation in the Criminal Case was completed and the charge sheet was submitted in the concerned Criminal Court. The suspension must be a step in aid to the ultimate result of the investigation and enquiry. The main object of placing

an employee under suspension pending investigation is that he should not meddle with the investigation or tamper with evidence. Placing the respondent under suspension after six years of the registration of the crime and more so when no material has been placed on record of his intervention in the investigation of the case is wholly unsustainable. The learned Tribunal has rightly considered this aspect and interfered with the order of suspension of the respondent. We do not see any valid grounds to interfere with the impugned order of the Tribunal. It is also brought to our notice that after the impugned order is passed by the Tribunal the respondent has been reinstated. Under these circumstances, we do not see any valid reason to interfere with the impugned order of the Tribunal.

6. In the result, this Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY,J

Dated: 06-07-2004

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B.SESHASAYANA REDDY,J

To

1. Government of Andhra Pradesh represented by its Secretary to
Government, Agriculture & Co-operation Department, Secretariat, Hyderabad.

2. 2 CCs to G.P. for Services, High Court Buildings, Hyderabad (OUT)

3. 2 CD copies

4. Copy to the Registrar, A.P. Administrative Tribunal,Purana Haveli, Hyderabad.

kvrm/tnb